

Message Text

PAGE 01 STATE 100166

50

ORIGIN L-03

INFO OCT-01 AF-10 NEA-10 ADP-00 COA-02 EB-11 OIC-04

CIAE-00 DODE-00 PM-07 H-02 INR-10 NSAE-00 NSC-10

PA-03 RSC-01 PRS-01 SS-15 USIA-12 ACDA-19 AEC-11

AGR-20 CG-00 COME-00 DOTE-00 FMC-04 INT-08 JUSE-00

NSF-04 OMB-01 TRSE-00 IO-12 SCEM-02 SCI-06 CEQ-02

EPA-04 EUR-25 PCH-02 /222 R

DRAFTED BY L/ OA: TLLEITZELL

5/15/73 X28014

APPROVED BY L/ OA - BERNARD OXMAN

AF/ RA - MR. GRIFFIN (SUBS)

NEA/ RA - MR. GRANT

----- 033051

R 242036 Z MAY 73

FM SECSTATE WASHDC

TO ALL AFRICAN DIPLOMATIC POSTS

USINT CAIRO

AMEMBASSY TRIPOLI

XMT/ TRIPOLI

CONFIDENTIAL STATE 100166

TAGS: PBOR, OAU, XA

E. O. 11652: GDS

SUBJECT: LOS: OAU MEETINGS

1. DEPT HAS RECEIVED FROM CONFIDENTIAL SOURCE TEXT
OF RECOMMENDATIONS BY OAU GROUP OF EXPERTS ON LAW OF
SEA WHICH WILL BE CONSIDERED AT MEETINGS OF OAU
COUNCIL OF MINISTERS AND OAU SUMMIT. TEXT IS SENT FOR
YOUR INFORMATION.

2. BEGIN TEXT:

CONFIDENTIAL

PAGE 02 STATE 100166

A. TERRITORIAL SEA AND STRAITS

1. THAT THE AFRICAN STATES ADOPT, IN PRINCIPLE AND
WHATEVER POSSIBLE, A BREADTH OF 12 NAUTICAL MILES FOR THE

TERRITORIAL SEA, TO BE MEASURED FROM APPROPRIATE BASE-LINES, PROVIDED THAT THEIR RIGHT TO ESTABLISH AN EXCLUSIVE ZONE BEYOND THAT LIMIT, AS DEFINED IN PARAGRAPH 7 BELOW, IS UNIVERSALLY ACCEPTED AND RECOGNIZED.

2. PENDING SATISFACTORY NEGOTIATIONS AND THE GENERAL ADOPTION OF A NEW REGIME CONCERNING THESE ZONES TO BE ESTABLISHED BY THE FORTHCOMING UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA, THIS POSITION SHALL NOT JEOPARDIZE EITHER THE PRESENT LIMITS OF THE TERRITORIAL SEA OF A STATE NOR THE EXISTING RIGHTS OF STATES.

3. THAT THE AFRICAN STATES ADOPT THE PRINCIPLE OF THE RIGHT OF ACCESS TO THE SEA BY LANDLOCKED COUNTRIES AND THE INCLUSION OF A PROVISION TO THIS EFFECT TO THE UNIVERSAL TREATY TO BE NEGOTIATED AT THE CONFERENCE ON THE LAW OF THE SEA.

4. THAT THE AFRICAN STATES, TAKING ACCOUNT OF THE IMPORTANCE OF INTERNATIONAL NAVIGATION IN STRAITS USED FOR THIS PURPOSE, APPROVE, IN PRINCIPLE, THE REGIME OF INNOCENT PASSAGE THROUGH SUCH STRAITS, BUT RECOGNIZE THE NECESSITY FOR FURTHER CLARIFICATION OF THAT REGIME.

5. THAT THE AFRICAN STATES APPROVE, THEREFORE, THE PRINCIPLE ACCORDING TO WHICH THE BASELINES OF ANY ARCHIPELAGO STATE MAY BE DRAWN BY CONNECTING THE FARDEST POINTS OF THE MOST DISTANT ISLANDS OF THE ARCHIPELAGO FOR PURPOSES OF DETERMINING THE TERRITORIAL SEA OF THE ARCHIPELAGO STATE.

B. REGIME GOVERNING ISLANDS

6. (THAT) THE AFRICAN STATES RECOGNIZE THE NECESSITY FOR APPROPRIATE DETERMINATION OF THE NATURE OF THE MARITIME SPACE OF ISLANDS, AND RECOMMEND THAT THIS CONFIDENTIAL

PAGE 03 STATE 100166

DETERMINATION BE MADE IN ACCORDANCE WITH PRINCIPLES OF EQUITY WITH DUE REGARD TO ALL PERTINENT FACTORS AND ALL SPECIAL CIRCUMSTANCES, INCLUDING:

- A) THE SIZE OF THE ISLANDS;
- B) THEIR POPULATION OR LACK THEREOF;
- C) THEIR CONTIGUITY TO THE PRINCIPAL LANDMASS;
- D) THEIR GEOGRAPHICAL CONFIGURATION;
- E) THE SPECIAL INTERESTS OF ISLAND STATES AND ARCHIPELAGO STATES AND ANY OTHER PERTINENT

FACTOR.

C. CONCEPT OF THE EXCLUSIVE ECONOMIC ZONE,
INCLUDING
THE EXCLUSIVE FISHING ZONE

7. THAT THE AFRICAN STATES RECOGNIZE THE RIGHT
OF COASTAL STATES TO ESTABLISH, BEYOND THEIR TERRITORIAL
SEA, EXCLUSIVE ECONOMIC ZONES, NOT TO EXTEND BEYOND 200

NAUTICAL MILES AS MEASURED FROM THE BASELINES USED
TO DEMARCADE THEIR TERRITORIAL SEA.

8. THAT IN SUCH ZONES THE COASTAL STATES SHALL
EXERCISE PERMANENT SOVEREIGNTY OVER ALL MINERAL AND
LIVING RESOURCES AND SHALL MANAGE SUCH ZONES WITHOUT
UNDULY JEOPARDIZING THE OTHER LEGITIMATE USES OF THE SEA,
NAMELY, FREEDOM OF NAVIGATION AND OVERFLIGHT, AND THE
LAYING OF CABLES AND PIPELINES.

9. THAT THE AFRICAN COUNTRIES RECOGNIZE THAT
SCIENTIFIC RESEARCH AND THE CAMPAIGN AGAINST MARINE
POLLUTION IN THE ECONOMIC ZONE SHALL BE SUBJECT TO THE
JURISDICTION OF THE COASTAL STATES.

10. THAT THE AFRICAN COUNTRIES, IN ORDER THAT
CONFIDENTIAL

PAGE 04 STATE 100166

ALL OF THE REGION MAY BENEFIT FROM THE RE-
SOURCES LOCATED THERE, RECOGNIZE THAT LANDLOCKED
COUNTRIES AND OTHER UNDERPRIVILEGED COUNTRIES ARE
ENTITLED TO PARTICIPATE IN THE EXPLOITATION OF THE
LIVING RESOURCES OF NEIGHBORING ECONOMIC ZONES ON AN
EQUAL FOOTING WITH NATIONALS OF THE COASTAL STATES ON
THE BASIS OF AFRICAN SOLIDARITY AND UNDER THE TERMS OF
SUCH BILATERAL OR REGIONAL AGREEMENTS AS MAY BE
ESTABLISHED.

11. THAT NOTHING IN THE PROPOSED RECOMMENDATIONS
CONTAINED IN THIS RESOLUTION BE INTERPRETED AS RE-
COGNIZING THE RIGHTS OF REGIMES UNDER COLONIAL, FOREIGN,
OR RACIST DOMINATION IN RESPECT OF ANY OF THE FOREGOING.

D. REGIONAL ARRANGEMENTS

12. IN ORDER TO DEVELOP AND MANAGE THE RESOURCES
OF THE REGION, THE AFRICAN STATES SHOULD ADOPT WHATEVER
MEASURES ARE NECESSARY, INCLUDING COOPERATION TO
CONSERVE AND DEVELOP LIVING RESOURCES; AND ALSO TO
PREVENT AND CONTROL POLLUTION IN ORDER TO PRESERVE
THE MARINE ENVIRONMENT, THEY SHOULD ESTABLISH SUCH
REGIONAL ORGANIZATIONS AS MAY BE NECESSARY AND

SETTLE THE DIFFERENCES BETWEEN THEM IN ACCORDANCE
WITH REGIONAL ARRANGEMENTS.

F. FISHERY ACTIVITIES ON THE HIGH SEAS

13. THE AFRICAN STATES RECOGNIZE THAT FISHERY
ACTIVITIES ON THE HIGH SEAS HAVE A DIRECT EFFECT ON
FISHERIES IN THE TERRITORIAL WATERS AND THE ECONOMIC
ZONE. CONSEQUENTLY, THOSE ACTIVITIES MUST BE REGULATED,
IN PARTICULAR WITH RESPECT TO THE HIGHLY MIGRATORY AND
ANADROMOUS SPECIES OF FISH. THE AFRICAN STATES ARE
THEREFORE IN FAVOR EITHER OF THE ESTABLISHMENT OF AN
INTERNATIONAL REGIME OR OTHER INTERNATIONAL AUTHORITY
FOR HIGH- SEAS FISHERIES HAVING SUFFICIENT POWERS TO
ENFORCE WIDELY ACCEPTED PRINCIPLES OF FISHERY MANAGE-
MENT, OR OF REINFORCING EXISTING FISHERY COMMISSIONS
CONFIDENTIAL

PAGE 05 STATE 100166

OF THE FAO OR OTHER FISHERY- REGULATING AGENCIES IN
ORDER TO PERMIT THEM TO FORMULATE APPROPRIATE RE-
GULATIONS APPLICABLE IN ALL MARINE ZONES.

F. TRAINING IN AND TRANSFER OF TECHNOLOGY

14. THE AFRICAN STATES, IN ORDER TO PROFIT FROM
THE EXPLORATION AND EXPLOITATION OF THE RESOURCES
OF THE SEABED AND THE OCEAN FLOOR AND THE SUBSOIL
THEREOF, SHOULD INTENSIFY NATIONAL AND REGIONAL EFFORTS
TO TRAIN AND ASSIST THEIR PERSONNEL REGARDING ALL
SCIENTIFIC AND TECHNOLOGICAL ASPECTS OF THE SEA.
IN ADDITION, THEY WILL INVITE COMPETENT TECHNOLOGICALLY
ADVANCED AGENCIES TO ACCELERATE THE TRANSFER OF MARINE
SCIENCES AND TECHNOLOGY, INCLUDING PERSONNEL TRAINING.

G. SCIENTIFIC RESEARCH BEYOND THE EXCLUSIVE ECONOMIC ZONE

15. SCIENTIFIC RESEARCH IN THESE ZONES WILL BE
CARRIED OUT IN CONFORMITY WITH RULES AND PROCEDURES
PREPARED BY THE INTERNATIONAL MACHINERY. ALL STATES RE-
GARDLESS OF GEOGRAPHIC SITUATION, MAY UNDERTAKE
SCIENTIFIC RESEARCH IN THE MARINE ENVIRONMENT.

SCIENTIFIC RESEARCH SHOULD BE UNDERTAKEN FOR PEACE-
FUL PURPOSES AND SHOULD HAVE NO INJURIOUS EFFECTS ON THE
MARINE ENVIRONMENT. SCIENTIFIC RESEARCH IN THE TERRITOR-
IAL WATERS OR THE EXCLUSIVE ECONOMIC ZONE SHALL BE
UNDERTAKEN WITH THE APPROVAL OF THE COASTAL STATE
CONCERNED.

THE STATES AGREE TO PROMOTE INTERNATIONAL COOPERA-
TION IN THE FIELD OF SCIENTIFIC RESEARCH ON THE SEA IN

THE REGIONS BEYOND THE LIMITS OF NATIONAL JURISDICTION.
IN THOSE REGIONS, ALL RESEARCH WILL BE UNDERTAKEN IN
ACCORDANCE WITH PROCEDURES TO BE FIXED BY THE INTERNATION-
AL MACHINERY.

H. AN INTERNATIONAL REGIME AND INTERNATIONAL MACHINERY
FOR THE SEABED AND THE OCEAN FLOOR AND THE SUBSOIL
CONFIDENTIAL

PAGE 06 STATE 100166

THEREOF, BEYOND THE LIMITS OF NATIONAL JURISDICTION

16. THAT THE AFRICAN STATES REAFFIRM THEIR
FAITH IN THE DECLARATION OF PRINCIPLES CONTAINED IN
RESOLUTION 2749(XXV) OF THE UNITED NATIONS GENERAL
ASSEMBLY AS WELL AS THEIR CONVICTION THAT, IN ORDER
FOR THE OBJECTIVES STATED IN THAT DECLARATION TO BE
ACHIEVED, THOSE PRINCIPLES MUST BE REPEATED IN THE
ARTICLES OF THE TREATY GOVERNING THE AREA.

17. THAT THE AFRICAN STATES PARTICULARLY REAFFIRM
THEIR FAITH IN THE PRINCIPLE OF THE COMMON HERITAGE OF
MANKIND, A PRINCIPLE WHICH MUST NOT BE LIMITED IN
ANY WAY BY RESTRICTIVE INTERPRETATIONS.

18. THAT, WITH RESPECT TO THE INTERNATIONAL AREA
OF THE SEABEDS, THE AFRICAN STATES REAFFIRM THAT, UNTIL
THE ESTABLISHMENT OF THE INTERNATIONAL REGIME AND
INTERNATIONAL MACHINERY, THE REGIME APPLICABLE IN THE
AREA SHALL BE THE ONE PROVIDED IN THE DECLARATION OF
PRINCIPLES IN RESOLUTION 2749 (XXV) AND THE RESOLUTION&
CONCERNING THE MORATORIUM AND THAT, IN ACCORDANCE WITH
THE PROVISIONS OF THE DECLARATION AND RESOLUTIONS,
NO STATE OR PERSON, NATURAL OR JURISTIC, SHALL UNDERTAKE
ACTIVITIES DIRECTED TOWARD COMMERCIAL EXPLOITATION OF
THE AREA.

19. THAT THE AFRICAN STATES SUPPORT A LIMIT FOR
THE INTERNATIONAL AREA DETERMINED BY THE DISTANCE
MEASURED FROM THE APPROPRIATE BASELINES, WITHOUT PRE-
JUDICE TO THE PROVISIONS OF PARAGRAPHS 1 AND 6 ABOVE.

20. THAT THE AFRICAN STATES AFFIRM THAT:

A) THE COMPETENCE OF THE INTERNATIONAL MACHINERY
SHALL EXTEND TO THE SEABED AND OCEAN FLOOR AS WELL
AS TO THE SUBSOIL THEREOF, BEYOND THE LIMITS OF NATIONAL
JURISDICTION.

B) THE MACHINERY MUST HAVE COMPLETE LEGAL STATUS,
WITH FUNCTIONAL PRIVILEGES AND IMMUNITIES. IT MAY HAVE
CONFIDENTIAL

PAGE 07 STATE 100166

WORKING RELATIONS WITH THE UNITED NATIONS AGENCIES BUT
IT SHALL RETAIN VERY GREAT POLITICAL AND FINANCIAL
INDEPENDENCE;

C) THE MACHINERY MUST POSSESS SIGNIFICANT AND BROAD
POWERS. AMONG OTHERS, IT MUST HAVE THE RIGHT TO EXPLORE
AND EXPLOIT THE AREA; REGULATE ACTIVITIES IN THE REGION;
EQUITABLY DISTRIBUTE THE BENEFITS, AND REDUCE TO A
MINIMUM THE ECONOMIC REPERCUSSIONS THAT MIGHT ENSUE FROM
FLUCTUATION OF THE PRICE OF RAW MATERIALS AS A RESULT
OF ACTIVITIES CARRIED OUT IN THE AREA; DIVIDE EQUITABLY
AMONG ALL DEVELOPING COUNTRIES THE RECEIPTS FROM ANY
TAX (OR FISCAL CHARGE) COLLECTED FOR ACTIVITIES
CONNECTED WITH EXPLOITATION OF THE AREA; PROTECT THE
MARINE ENVIRONMENT; AND REGULATE AND UNDERTAKE SCIENTIFIC
RESEARCH, THUS GIVING FULL MEANING TO THE CONCEPT OF
THE COMMON HERITAGE OF MANKIND;

D) AN ASSEMBLY SHALL BE ESTABLISHED, COMPOSED
OF ALL MEMBERS, WHICH SHALL BE INVESTED WITH FULL POWERS,
AND A COUNCIL, COMPOSED OF A LIMITED NUMBER OF MEMBERS
CHOSEN ACCORDING TO THE PRINCIPLE OF EQUITABLE
GEOGRAPHIC DISTRIBUTION, WHICH SHALL PERFORM, IN A
DEMOCRATIC FASHION, THE MAJORITY OF THE MACHINERY'S
FUNCTIONS. A SECRETARIAT TO PROVIDE SERVICES TO ALL
THE ORGANS AND A COMMISSION CHARGED WITH SETTLING
DISPUTES SHALL ALSO BE ESTABLISHED. THE ASSEMBLY AND
THE COUNCIL SHALL BE EMPOWERED TO CREATE SPECIALIZED
SUBSIDIARY ORGANS AS NEEDED.

END TEXT. RUSH

NOTE BY OC/ T: POUCHED AMEMB TRIPOLI

CONFIDENTIAL
NMAFVVZCZ
<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptoning: X
Capture Date: 10 MAY 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 24 MAY 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE100166
Document Source: ADS
Document Unique ID: 00
Drafter: L/ OA: TLLEITZELL
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730560/abqcemov.tel
Line Count: 307
Locator: TEXT ON-LINE
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 11 DEC 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11-Dec-2001 by kelleyw0>; APPROVED <03-Jan-2002 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> gwr 980306
Subject: LOS: OAU MEETINGS
TAGS: PBOR, XA, E, OAU, PBOR
To: ALL AFRICAN DIPLOMATIC POSTS
CAIRO
TRIPOLI
XMT TRIPOLI I
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005